

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TRAXXAS, L.P.
Plaintiff,

v.

TRINITY PRODUCTS, INC.
TEAM EPIC INC.
Defendants.

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Civil Action No. 09-237

JURY

ORIGINAL COMPLAINT

Plaintiff Traxxas, L.P. files its Original Complaint against defendants Trinity Products, Inc. and Team Epic Inc., and alleges as follows:

PARTIES

1. Plaintiff Traxxas, L.P. (hereinafter "Traxxas") is a limited partnership organized under the laws of the State of Texas and has its principal place of business at 1100 Klein Rd., Plano, Collin County, Texas 75074.

2. Defendant Trinity Products, Inc. (hereafter "Trinity") is a corporation organized under the laws of the State of New Jersey and has a place of business at 47 Colonial Dr., Piscataway, New Jersey 08854. On information and belief, Trinity conducts business under one or more of the following business names: Trinity, Team Trinity, TeamTrinity.com, Trinity Products, liposonline.com and Team Epic. Trinity does not have a registered agent for service of process in the State of Texas.

3. Defendant Team Epic Inc (hereafter "Team Epic") is a corporation organized under the laws of the State of Florida and has a place of business at 4037 Bermuda Grove Place, Longwood, Florida, 32779. On information and belief, Team Epic conducts business under one or more of the following business names: Trinity, Team Epic, TeamTrinity.com, and

liposonline.com. Team Epic does not have a registered agent for service of process in the State of Texas.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. Jurisdiction of the Court is founded on Title 35 United States Code and on Title 28 United States Code, particularly 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Defendants, and venue is proper in this District, under 28 U.S.C. §§ 1391(b) & (c) and/or 1400(b) at least because Defendants regularly conduct business in this District by supplying, offering to sell and/or selling products, including, but not limited to, electrical connector assemblies, electrical connectors and batteries with electrical connectors, including, but not limited to Defendants' StarCell™ iPlug products, for hobby-class radio controlled cars, trucks, and boats to companies, such as RC Zone, 7171 Preston Rd., #101A, Frisco, Collin County, Texas 75034, who in turn resell to individual customers within and without this District.

BACKGROUND

6. Traxxas creates, designs, manufactures, and sells hobby-class radio controlled cars, trucks, and boats in both nitro and electric categories, including connectors for hobby-class radio controlled electric cars, trucks, and boats.

7. On May 12, 2009, United States Patent No. 7,530,855 entitled "Electrical Connector Assembly" (the '855 Patent") was duly and legally issued. All right, title, and interest in the '855 Patent, along with the right to sue and recover for patent infringements, are owned by Traxxas through written assignment from the named inventors. A true and correct copy of the '855 Patent is attached as Exhibit A hereto and is incorporated herein.

8. On May 20, 2008, United States Patent No. 7,374,460 entitled "Electrical Connector Assembly" (the '460 Patent") was duly and legally issued. All right, title and interest

in the '460 Patent, along with the right to sue and recover for patent infringements, are owned by Traxxas through written assignment from the named inventors. A true and correct copy of the '460 Patent is attached as Exhibit B hereto and is incorporated herein

9. Traxxas contends that Defendants are presently making, having made, distributing, using, selling, offering to sell and/or importing one or more electrical connectors assemblies, connectors, and/or adapters that directly and/or indirectly infringe one or more claims of the '855 Patent and/or the '460 Patent, including but not limited to Defendants' "StarCell iPlug™" brand of connectors and adapters. This contention will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

COUNT I
DIRECT INFRINGEMENT OF THE '855 PATENT

10. The allegations in the preceding paragraphs of this Complaint are incorporated herein by reference as if fully set forth.

11. Upon information and belief, Defendants have directly infringed one or more claims of the '855 Patent, including but not limited to claim 1, by making, using, offering to sell, selling, and/or importing electrical connector assemblies, such as, but not limited to, their StarCell iPlug™ electrical connector assembly ST1003, all in violation of 35 U.S.C. § 271(a), and will continue to do so unless enjoined by this Court.

12. Defendants' infringing activities have been done without authorization, express or implied, from Traxxas.

13. Traxxas has been damaged by Defendants' past infringement and is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention as provided by 35 U.S.C. § 284.

14. Traxxas will be irreparably injured unless such future infringement is enjoined by this Court as provided by 35 U.S.C. § 283.

COUNT II
INDIRECT INFRINGEMENT OF THE '855 PATENT

15. The allegations in the preceding of this Complaint are incorporated herein by reference as if fully set forth.

16. Upon information and belief, Defendants have induced others to infringe one or more claims of the '855 Patent, including but not limited to claim 1, in the United States and this District by making, using, offering to sell, selling, and/or importing electrical connectors, such as, but not limited to, their StarCell iPlug™ male and/or female electrical connectors and/or adapters, ST1001, ST1002, and ST1004, and their IB 4600 7 Cell Stick Flat Battery Pack For Traxxas TRI20165, all in violation of 35 U.S.C. § 271(b), and will continue to do so unless enjoined by this Court. Other products with infringing electrical connectors may also include without limitation the TRI20133 6 Cell 4600 Mah With Traxxas Plug, TRI20134 7 Cell 4600 Mah With Traxxas Plug Hump Configuration, TRI20144 Ep4600mah Performance Pack 7 Cell Traxxas Type Plug Flat, TRI20146 EP4600 7 Cell Heavy Duty Side x Side pack For Traxxas, TRI20161 6 Cell Zapped Stick Pack With Traxxas Style Plug, TRI20162 7 Cell Zapped Hump Pack With Traxxas Style Plug, TRI20165 7 Cell Zapped Flat Sport Pack W/Traxxas Style Plug, TRI20167 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug, TRI20176 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug High Current, Hand Built/Battery Bars, TRI20284 7 Cell Side x Side Pack W/iPlug & Bars, TRI20287 7 Cell Side x Side Pack With Bars Soldered and Traxxas Plug, TRI20809 5000mAh 30C 2S2P 7.4V Hard Case With Traxxas Connectors, TRI20200 2800mAh 25C , 11.1V Stick Pack Style, Traxxas Connector, TRI20200 1800 Mah Performance Pack 6 Cell Trx Type, TRI20201 3000 Mah Performance Pack 6 Cell Trx Type, TRI20202 3300 Mah Performance Pack 6 Cell Trx Type, TRI20204 3600 Mah Performance Pack 6 Cell Trx Type, TRI20206 4600 Mah Performance Pack 6 Cell Trx Type, TRI20220 5000 Mah Performance Pack 6 Cell Trx Type, TRI20224 4600 Mah Performance Pack 7 Cell Trx Type Hump, and TRI20225 5000 Mah 7

Performance Pack 7 Cell Trx Type. These contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

17. Upon information and belief, Defendants have contributed to the infringement by others of one or more claims of the '855 Patent, including, but not limited to claim 1, in the United States and this District by making, using, offering to sell, selling, and/or importing electrical connectors, such as, but not limited to, their StarCell iPlug male and/or female electrical connectors and/or adapters, ST1001, ST1002, and ST1004, and their IB 4600 7 Cell Stick Flat Battery Pack For Traxxas TRI20165, all in violation of 35 U.S.C. § 271(c), and will continue to do so unless enjoined by this Court. Other products with infringing electrical connectors may also include without limitation their TRI20133 6 Cell 4600 Mah With Traxxas Plug, TRI20134 7 Cell 4600 Mah With Traxxas Plug Hump Configuration, TRI20144 Ep4600mah Performance Pack 7 Cell Traxxas Type Plug Flat, TRI20146 EP4600 7 Cell Heavy Duty Side x Side pack For Traxxas, TRI20161 6 Cell Zapped Stick Pack With Traxxas Style Plug, TRI20162 7 Cell Zapped Hump Pack With Traxxas Style Plug, TRI20165 7 Cell Zapped Flat Sport Pack W/Traxxas Style Plug, TRI20167 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug, TRI20176 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug High Current, Hand Built/Battery Bars, TRI20284 7 Cell Side x Side Pack W/iPlug & Bars, TRI20287 7 Cell Side x Side Pack With Bars Soldered and Traxxas Plug, TRI20809 5000mAh 30C 2S2P 7.4V Hard Case With Traxxas Connectors, TRI20200 2800mAh 25C , 11.1V Stick Pack Style, Traxxas Connector, TRI20200 1800 Mah Performance Pack 6 Cell Trx Type, TRI20201 3000 Mah Performance Pack 6 Cell Trx Type, TRI20202 3300 Mah Performance Pack 6 Cell Trx Type, TRI20204 3600 Mah Performance Pack 6 Cell Trx Type, TRI20206 4600 Mah Performance Pack 6 Cell Trx Type, TRI20220 5000 Mah Performance Pack 6 Cell Trx Type, TRI20224 4600 Mah Performance Pack 7 Cell Trx Type Hump, and TRI20225 5000 Mah 7 Performance Pack 7 Cell Trx Type. These contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

18. Defendants' infringing activities have been done without authorization, express or implied, from Traxxas.

19. Traxxas has been damaged by Defendants' past indirect infringement and is entitled to damages adequate to compensate for the indirect infringement but in no event less than a reasonable royalty for the use made of the invention as provided by 35 U.S.C. § 284.

20. Traxxas will be irreparably injured unless such future indirect infringement is enjoined by this Court as provided by 35 U.S.C. § 283.

COUNT III
DIRECT INFRINGEMENT OF THE '460 PATENT

21. The allegations in the preceding paragraphs of this Complaint are incorporated herein by reference as if fully set forth.

22. Upon information and belief, Defendants have directly infringed one or more claims of the '460 Patent, including but not limited to claim 1, by making, using, offering to sell, selling, and/or importing electrical connector assemblies, such as, but not limited to, their StarCell iPlug™ electrical connector assembly ST1003, all in violation of 35 U.S.C. § 271(a), and will continue to do so unless enjoined by this Court.

23. Defendants' infringing activities have been done without authorization, express or implied, from Traxxas.

24. Traxxas has been damaged by Defendants' past infringement and is entitled to damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention as provided by 35 U.S.C. § 284.

25. Traxxas will be irreparably injured unless such future infringement is enjoined by this Court as provided by 35 U.S.C. § 283.

COUNT IV
INDIRECT INFRINGEMENT OF THE '460 PATENT

26. The allegations in the preceding of this Complaint are incorporated herein by reference as if fully set forth.

27. Upon information and belief, Defendants have induced others to infringe one or more claims of the '460 Patent, including but not limited to claim 1, in the United States and this District by making, using, offering to sell, selling, and/or importing electrical connectors, such as, but not limited to, their StarCell iPlug™ male and/or female electrical connectors and/or adapters, ST1001, ST1002, and ST1004, and their IB 4600 7 Cell Stick Flat Battery Pack For Traxxas TRI20165, all in violation of 35 U.S.C. § 271(b), and will continue to do so unless enjoined by this Court. Other products with infringing electrical connectors may also include without limitation their TRI20133 6 Cell 4600 Mah With Traxxas Plug, TRI20134 7 Cell 4600 Mah With Traxxas Plug Hump Configuration, TRI20144 Ep4600mah Performance Pack 7 Cell Traxxas Type Plug Flat, TRI20146 EP4600 7 Cell Heavy Duty Side x Side pack For Traxxas, TRI20161 6 Cell Zapped Stick Pack With Traxxas Style Plug, TRI20162 7 Cell Zapped Hump Pack With Traxxas Style Plug, TRI20165 7 Cell Zapped Flat Sport Pack W/Traxxas Style Plug, TRI20167 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug, TRI20176 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug High Current, Hand Built/Battery Bars, TRI20284 7 Cell Side x Side Pack W/iPlug & Bars, TRI20287 7 Cell Side x Side Pack With Bars Soldered and Traxxas Plug, TRI20809 5000mAh 30C 2S2P 7.4V Hard Case With Traxxas Connectors, TRI20200 2800mAh 25C , 11.1V Stick Pack Style, Traxxas Connector, TRI20200 1800 Mah Performance Pack 6 Cell Trx Type, TRI20201 3000 Mah Performance Pack 6 Cell Trx Type, TRI20202 3300 Mah Performance Pack 6 Cell Trx Type, TRI20204 3600 Mah Performance Pack 6 Cell Trx Type, TRI20206 4600 Mah Performance Pack 6 Cell Trx Type, TRI20220 5000 Mah Performance Pack 6 Cell Trx Type, TRI20224 4600 Mah Performance Pack 7 Cell Trx Type Hump, and TRI20225

5000 Mah 7 Performance Pack 7 Cell Trx Type. These contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

28. Upon information and belief, Defendants have contributed to the infringement by others of one or more claims of the '460 Patent, including, but not limited to claim 1, in the United States and this District by making, using, offering to sell, selling and/or importing electrical connectors, such as, but not limited to, their StarCell iPlug male and/or female electrical connectors and/or adapters, ST1001, ST1002, and ST1004, and their IB 4600 7 Cell Stick Flat Battery Pack For Traxxas TRI20165, all in violation of 35 U.S.C. § 271(c), and will continue to do so unless enjoined by this Court. Other products with infringing electrical connectors may also include without limitation their TRI20133 6 Cell 4600 Mah With Traxxas Plug, TRI20134 7 Cell 4600 Mah With Traxxas Plug Hump Configuration, TRI20144 Ep4600mah Performance Pack 7 Cell Traxxas Type Plug Flat, TRI20146 EP4600 7 Cell Heavy Duty Side x Side pack For Traxxas, TRI20161 6 Cell Zapped Stick Pack With Traxxas Style Plug, TRI20162 7 Cell Zapped Hump Pack With Traxxas Style Plug, TRI20165 7 Cell Zapped Flat Sport Pack W/Traxxas Style Plug, TRI20167 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug, TRI20176 7 Cell Zapped Stick/Flat Pack with Traxxas Style Plug High Current, Hand Built/Battery Bars, TRI20284 7 Cell Side x Side Pack W/iPlug & Bars, TRI20287 7 Cell Side x Side Pack With Bars Soldered and Traxxas Plug, TRI20809 5000mAh 30C 2S2P 7.4V Hard Case With Traxxas Connectors, TRI20200 2800mAh 25C , 11.1V Stick Pack Style, Traxxas Connector, TRI20200 1800 Mah Performance Pack 6 Cell Trx Type, TRI20201 3000 Mah Performance Pack 6 Cell Trx Type, TRI20202 3300 Mah Performance Pack 6 Cell Trx Type, TRI20204 3600 Mah Performance Pack 6 Cell Trx Type, TRI20206 4600 Mah Performance Pack 6 Cell Trx Type, TRI20220 5000 Mah Performance Pack 6 Cell Trx Type, TRI20224 4600 Mah Performance Pack 7 Cell Trx Type Hump, and TRI20225 5000 Mah 7 Performance Pack 7 Cell Trx Type. These contentions will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

29. Defendants' infringing activities have been done without authorization, express or implied, from Traxxas.

30. Traxxas has been damaged by Defendants' past indirect infringement and is entitled to damages adequate to compensate for the indirect infringement but in no event less than a reasonable royalty for the use made of the invention as provided by 35 U.S.C. § 284.

31. Traxxas will be irreparably injured unless such future indirect infringement is enjoined by this Court as provided by 35 U.S.C. § 283.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Traxxas, L.P. prays that:

(a) Defendants be adjudged and decreed to have infringed, directly and/or indirectly, one or more claims of the '855 Patent;

(b) Defendants be adjudged and decreed to have infringed, directly and/or indirectly, one or more claims of the '460 Patent;

(c) Defendants be ordered to pay damages adequate to compensate Traxxas for the infringement, but in no event less than a reasonable royalty for the use made of the invention, together with prejudgment interest, costs, and increased damages pursuant to 35 U.S.C. § 284;

(d) A permanent injunction be entered against Defendants, their officers, agents, servants and employees, and all entities and individuals acting in concert with them to permanently restrain any further infringement, direct and/or indirect, of the '855 Patent;

(e) A permanent injunction be entered against Defendants, their officers, agents, servants and employees, and all entities and individuals acting in concert with them to permanently restrain any further infringement, direct and/or indirect, of the '460 Patent;

(f) This case be declared an "exceptional case" within the meaning of 35 U.S.C. § 285 and reasonable attorney fees and costs be awarded to Traxxas;

(g) An award be granted of all reasonable attorney fees allowed by statute, costs, pre-judgment interest, post-judgment interest, and

(h) Traxxas be granted such other and further relief as the Court may deem proper under the circumstances.

DEMAND FOR JURY TRIAL

Traxxas, in accordance with Federal Rules of Civil Procedure Rule 38(b), demands a jury trial as to all issues properly triable by a jury.

Dated: May 19, 2009

Of Counsel:

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Respectfully submitted,

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